

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

MICHAEL COLEMAN,

V.

BRIAN FISCHER, et al.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

TO: (Name and address of Defendant)

John Zwaryczuk

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Emery Celli Brinckerhoff & Abady LLP
75 Rockefeller Plaza, 20th Floor
New York, NY 10019

an answer to the complaint which is served on you with this summons, within -20- days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

DATE

(By) DEPUTY CLERK

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RETURN OF SERVICE

| | |
|--|-------|
| Service of the Summons and complaint was made by me ⁽¹⁾ | DATE |
| NAME OF SERVER (<i>PRINT</i>) | TITLE |

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served:
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left:
- ☐ Returned unexecuted:
- ☐ Other (specify):

STATEMENT OF SERVICE FEES

| | | |
|--------|----------|--------|
| TRAVEL | SERVICES | TOTAL |
| | | \$0.00 |

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES SOUTHERN DIST. COURT - NEW YORK COUNTY

MICHAEL COLEMAN,
PLAINTIFF

- vs. -

BRIAN FISCHER, ET AL,
DEFENDANT

Index No: **07-cv-7790 (SAS)**
Date Filed: / /
Office No:
Court Date:

STATE OF NEW YORK COUNTY OF NEW YORK :SS:

CHRIS PSZCZOLA being duly sworn, deposes and says;

I AM OVER THE AGE OF 18 YEARS AND RESIDE IN THE STATE OF NEW YORK.

Deponent served the **SUMMONS AMENDED COMPLAINT JUDGES RULES** upon the **DEFENDANT JOHN ZWARYCZUK** on **05/07/2008** at **11:14AM** at **146 BAY STREET % NYS Division of Parole, STATEN ISLAND, NY 10301** actual place of business of the **DEFENDANT** by delivering thereat a true copy to **"JANE" PITT, CO-WORKER OF THE DEFENDANT**, a person of suitable age and discretion whose approximate description is as follows:

SEX: **FEMALE**

COLOR: **BROWN**

HAIR: **BLACK**

APP. AGE: **40**

APP. HT: **5'6**

APP. WT: **135**

OTHER IDENTIFYING FEATURES:

Deponent also mailed a copy of same in an official depository under the exclusive care and custody of the United States Post Office Department within New York State on **05/09/2008** by first class mail to:

JOHN ZWARYCZUK
146 BAY STREET % NYS Division of Parole, STATEN ISLAND, NY 10301

That address being **actual place of business of the DEFENDANT**, in an envelope bearing the legend "PERSONAL AND CONFIDENTIAL", and not indicating on the outside thereof, by return address or otherwise that said notice is from an attorney or concerns an action against the person served.

Sworn to before me on **05/09/2008**.

HARVEY TAUBER
Notary Public, State of New York
No. 01TA4667012
Qualified in **BROXX**
Commission Expires 12/31/2010



CHRIS PSZCZOLA - 1218686
AAA ATTORNEY SERVICE CO. OF NY, INC.
20 VESEY ST., ROOM 1110
NEW YORK, NY 10007
MA